

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

UNITED STATES OF AMERICA)	Civil Action No.: 4:08-1373-TLW
)	
Plaintiff,)	
)	
vs.)	
)	
)	CONSENT
\$43,725.00 IN UNITED STATES)	ORDER OF FORFEITURE
CURRENCY,)	
)	
Defendant.)	

The above-entitled in rem forfeiture action was initiated on April 7, 2008. The case concerns \$43,725.00 seized from Alejandro Ponce on August 22, 2007, in Dillon County, South Carolina, by state law enforcement officers.¹ The Complaint alleges that the Defendant currency is subject to forfeiture by the United States pursuant to 21 U.S.C. § 881(a)(6).

A Warrant of Arrest and Notice in rem was duly executed against the Defendant currency on June 12, 2008 [DE7]. The United States, using Federal Express, served notice of this judicial forfeiture action on the known potential claimants as follows:

<u>Potential Claimant</u>	<u>Date of Service</u>
Alejandro M. Ponce c/o Thomas Goldstein, Esq. 2344 Cosgrove Ave.	June 27, 2008

¹ Custody of the Defendant currency was transferred to DEA and then to the U.S. Marshals Service and the currency is currently on deposit in an account under the control of latter agency.

N. Charleston, SC 29405

Alejandro M. Ponce
22921 S.W. 107th Avenue
Miami, FL 33170

June 27, 2008

Alice N. Canales
10757 SW 225th Terrace
Miami, FL 33170

June 27, 2008

Tucky Trucking, Inc.
3621 SW 105th Court
Miami, FL 33615
Attn: Jorge L. Cruz

June 27, 2008

Solution Carrier Express
10757 SW 225th Terrace
Miami, FL 33170

June 27, 2008

Jeffet D. Collazo
316 Fitch Street
Syracuse, NY 13204

June 27, 2008

[DE 26]. Publication of the arrest of the Defendant currency and notice of the pendency of the forfeiture action was made in “The State” newspaper on July 9, 2008, in accordance with Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions [DE 15-2]. Further, beginning on July 4, 2008, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules, notice of the forfeiture action was posted on the official government internet site (www.forfeiture.gov) for at least 30 consecutive days [DE 17-2].

On behalf of his clients, Alejandro Ponce, Alice N. Canales, and Solution Carrier Express, Thomas R. Goldstein filed a Verified Claim and an Answer [DE 9] contesting the judicial forfeiture of the Defendant currency. No other persons or entities have filed claims

and answers in this action, as required by Supplemental Rule C(6); therefore, all persons other than Alejandro Ponce, Alice N. Canales, and Solution Carrier Express, are hereby declared to be in default.

The United States and Alejandro Ponce, Alice N. Canales, and Solution Carrier Express have reached the following settlement: First, \$22,350.00 of the Defendant currency is to be returned to claimants, Alejandro Ponce, Alice N. Canales, and Solution Carrier Express by the United States Marshals Service issuing a check made jointly payable to “Alejandro Ponce, Alice N. Canales, and Solution Carrier Express, and their Attorney, Thomas R. Goldstein”. Second, the balance of the Defendant currency, to wit, \$21,375.00, is to be found and held forfeited, condemned, quit-claimed and abandoned to the United States and shall be disposed of by the United States pursuant to law as a forfeited asset.

The parties agree that each side shall bear its own costs.

NOW THEREFORE, the Court being fully advised, and based on the Stipulation for Compromise Settlement, which is incorporated herein by reference, it is

ORDERED, ADJUDGED AND DECREED, that:

1. All persons, except Alejandro Ponce, Alice N. Canales, and Solution Carrier Express, claiming any right, title or interest in or to the Defendant currency are hereby held in default and default judgment is entered against them.

2. The United States Marshals Service shall forthwith return \$22,350.00 of the Defendant currency to Alejandro Ponce, Alice N. Canales, and Solution Carrier Express by

check made jointly payable to “Alejandro Ponce, Alice N. Canales, and Solution Carrier Express, and their Attorney, Thomas R. Goldstein”.

3. Pursuant to 21 U.S.C. § 881(a)(6), the balance of the Defendant currency, to wit, \$21,375.00, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

4. Clear title in and to the aforesaid \$21,375.00 of the Defendant currency is hereby vested in the United States of America, and no other right, title or interest exists therein. All other claims in or to said \$21,375.00 of the Defendant currency are hereby forever foreclosed and barred.

5. The \$21,375.00 of the Defendant currency forfeited herein shall be disposed of by the United States Marshals Service in accordance with law.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

Florence, South Carolina

June 15, 2010